A collection

App. F. IX-4

1936

File No. 8-36

Previous References
Legis 202-31-2.
" 569-36-1
Legis 1-37

(Legis)

Serial Nos.

Later References

GENERAL AND REVENUE SECRETARIAT

Proceedings

Serial Nos. on Manuscript

~~Part B~~ for July 1936

SUBJECT.

Regulation further to amend
the Land

Govt 8(19)31.7.36 Mr Campbell

orders on publication of the
foll further to amend the Imperial
Land Code as Reg/n. 1 - 1936

Serial No.

'9'

8) In all Cases of sale of immoveable pro the purchaser is required to deposit 25% of his bid amount according to sec 179 L.R.C. & 15th June 1934, the rules re: recovery of amounts are relaxed in the following Cases of ① Coop. where it is a purchaser (ii) and to an indiv who has purchased the property which is subject re-sale. In these 2 Cases the interest of Govt amply safeguarded. If the same Concession extended to the mandate & recommendation the R.C., in the Case of sale under sec 97 L.R. it will be very difficult to enforce their [illegible] especially when they become the defaulters themselves

113 Govt.

ISD 13/10

9) Sec 179 of the L.R. Code applies to all Cases of Sales of immoveable property held under the provisions of Ch XI of the Code. It makes it obligatory on the part of the person declared to be the purchaser to deposit immediately 25% of the amount of his bid & to pay the balance of 75% before Sunset of the 15th day from that on which the Sale took place-

10) This provision is mandatory and the policy underlying it is not only to safeguard the interests of Govt revenue but also to the of the defaulters, by preventing sales

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

other than for cash. I do not think any exception to Sec 179 can be created except by means of executive orders.

11) A right to set off the purchase money against any amount due to the purchaser himself either by the defaulter or by Govt as a right which has to be given by Statute, just as such right is given to a decree holder under order 21 rule 72 of the C.P. Code. It is only when there is such a right of set off that the amount due to the purchaser may be taken towards the def.... or the purchase money due from him. Next ref^ce is invited to rules 84 and 85 of order 21 of the C.P. Code in this connection.

12) In the case of a purchaser at a revenue sale, a right of set off as above described cannot be implied under the general law for as a purchaser he gets a different character from that of the decree holder or the landlord as the case may be.

13) In this view, the validity of the G.O. of 19.6.24 is open to much doubt. It is however submitted that by making necessary rules under the

General and Revenue Secretariat — File No. 214 of 193 — [App. F. III—2

Serial No.

Co-operative Societies Regn, the principle of the G.O may be ~~applied~~ made applic in the case of sales held in execn of C.S. decrees.

Gen Secy) 10/12 7/12

14) First Member.

OFFICE OF THE FIRST MEMBER OF COUNCIL 10 DEC. 1934 No. 4603

15) I spoke to the Hon'ble — He will please speak to me about it Secy 19.6.34 — cws. 8.12.34 — 11/12

16) ~~An Extract from~~ R.C. may be suitably replied to — An extract from the observations of the Law Secretary may be sent when Secy to C.S. meets the Deputy Secretary to discuss the question at an early date. The latter being seized of ~~make~~ enforce the decision of Govt on the civil Procedure ~~Code~~ question as a whole. — cws. 12.12.34. — 24/1

17) Rev Bd) 10/12 24/1/35

Draft Secy 25/1/35

TYPING SECTION, GEN'L. 28 JAN 1935

Send with draft Secy 25/1

18) Issue & take action as above. WD 0434—GPB—15,000—12-10-33 — Secy 27/1/35

NOTE—Contn. Sheet.

Relaxation of rules re: recovery of purchase money in Revenue sales, in case of sales [illegible] under Section 97 of A.P. when the Inamdar or others in them defaulted bid at such sales.

Col File No. 214 of 1934 — General and Revenue Secretariat

	Serial No.
To the Hon'ble Minister, No. R 3685 dt 28/1/35 — 2	
In copy to Sl, States Msr in the circumstances mentioned, the proposal cannot be sanctioned.	
21. The file is re-submitted with reference to the orders at paras 16 & 20 above. If approved the file will be sent to Deptl sectt. to take the extracts placed below for [illegible] further action as ordered by the member at para 16 & return the file.	
28 Sec'd Mr Duff 29/1/35 MC	
Extract taken & returned.	
Rev. Pr. W.C.	
30/1/35 letter No. C 4423 dt 12-3-35 from the Rev Comr stating that a procedure similar to that contained in C.P.C. is necessary in the case of revenue sales referred to above & that if such an exemption cannot be given under the provisions of the L.R Code as they now stand, they may be suitably amended.	
Sub: Kind reference is invited to the Law Secretary's note paras 9-14 & notes above with which the Hon'ble Member has agreed. It has been held that the sale dt 15-6-34 cannot be considered to be legal. This was discussed by the Hon'ble Member with the Registrar of Co-op Societies & the following Minutes were passed.	
Matter need not be pursued at present (No one has objected to the procedure as illegal).	
In accordance with the opinion of the Law	

Vide C.S. 66-34 & the printed notes of the Hon'ble Member for Law & Justice at page 1 of the file & paras 6 to 15 of the notes & orders of Govt in G.O. Ms. No. 67 [illegible]

28 29/1

TYPING SECTION 29 JAN 1935 GEN'L & REV.

Vide G.O. Ms. No. 67 dt 15-6-34

Published in C.S. 66-34.

File No. 214 of 193 .

Serial No.

V

para 2 (5)

in the Lower Court vide the order of 7th March 1929 has also been revised directing that in cases where bids are offered on behalf of Govt in sales of inam villages, 25% of the bid amount should be deposited.

The Rev Comnr has stated that it is necessary to amend the L.R Code so as to permit of exception in the cases of Govt or Inamdar bids at a sale from depositing 25% of the bid amount. As orders have been issued after due consideration that this deposit should be made even in cases where a bid is offered on behalf of Govt, it is perhaps necessary to make an exception in the case of Inamdars. Submit for orders

24/3

22/3

No action appears necessary. The reference of the Rev. Comnr was apparently made before the G.O. of 22.3.35 was passed.

Gen. Secy)

dcs 25/3/35

I agree. Submit for perusal

I Minister

26.3 dcs

This might relate to a point on which the L.R Code is to be amended - Are there any such points

24

27/3 dcs

GENERAL SECRETARIAT

2 E MAR 1935

69.32

Note–Contn. Sheet.

G.R.S. III—3]

Gox 997

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subject:

Exempting Indians from paying the betterment amount in respect of sales of holdings in their villages.

Submitted.

It is ascertained from the Revenue Branch that the Revenue file (RR 2114-34-2) has been submitted to the Joint Council on 14/3/ for diary number 1189. The receipt of the file may perhaps be awaited.

Rtd 16/3.

It has come back some days ago.

DOS 18/3/35

Submitted.

The Revenue Branch

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Extracts from. L. R. File 214 – 34.

G.S. 66-4-13625 9

sl 1 " From the Revenue Commissioner, No.C.4413/33-34 dated 28-9-3

Recommends sanction to the proposal of the Deputy Commissioner, Mysore District, that the rule regarding the recover of purchase money at revenue sales may be also relaxed in the case of Inamdars and others on their behalf bidding at sales held under section 97 of the Land Revenue Code for recovery of rent or land revenue due from the tenants to the Inamdar - provided that the bid amount is not more than the arrears due.

× × × × ×
- - - - -
× × × × ×

6. I should like to have this case noted ~~only~~ on by the Law Secretariat. Payment of 25 per cent of purchase money is laid down in section 179 Land Revenue Code. Is it permissible to Government to waive this in the class of cases now proposed, or for the matter of that in the cases covered by the G.O. of 19-6-1924?

Intld. K. M.
9-10-34

7. Law Secretariat)

Intld. S.A.W.
10-10-34.

8. In all cases of sale of immoveable property the purchaser is required to deposit 25% of the bid amount according to section 179 L.R.C. In G.O. dated 19th June 1924, the rules re: recovery of sale amount are relaxed in the following cases - (i) Co-operative Society, where it is a purchaser (ii) an individual who has purchased the property which is subjected to resale. In these 2 cases the interest of Government is amply safeguarded. If the same concession is extended to the Inamdars as recommended by the Revenue Commissioner, in the case of sales under section 97 L.R.C. it will be very difficult to enforce their liability especially when they became the defaulters themselves.

(Illegible) 13/10

(9) Section 179 of the L.R.Code applies to all cases of sales of immoveable property held under the provisions of Chapter XI of the Code. It makes it obligatory on the part of the person declared to be the purchaser to deposit immediately 25% of the amount of his bid and to pay the balance of

10

75% before sunset of the 15th day from that on which the sale took place.

10) This provision is mandatory and the policy underlying it is not only to safeguard the interests of Government revenue but also those of the defaulters, by preventing sales other than for cash. I do not think any exception to section 179 can be created by means of executive orders.

11) A right to set off the purchase money against any amount due to the purchaser himself either by the defaulter or by Government is a right which has to be given by statute, just as such right is given to a decree holder in a civil court under order 21 rule 72 of the C.P.Code. It is only when there is such a right of set off that the amount due to the purchaser may be taken towards the deposit or the purchase money due from him. Kind reference is invited to rules 84 and 85 of order 21 of the C.P.Code in this connection.

12. In the case of a purchaser at a revenue sale, a right of set off as above described cannot be implied under the general law. For as a purchaser he fills a different character from that of the decree holder or the landlord as the case may be.

13. In this view, the legality of the G.O. of 19-6-1924 is open to much doubt. It is however submitted that by making necessary rules under the Co-operative Societies Regulation, the principle of the G.O. may be made applicable in the case of sales held in execution of C.S.decrees.

Intld. N.R.J.
7-12-34

Gen. Secy)

Intld. C.A.W.
8-12-34.

14. First Member).

15. I agree with the Assistant Secretary. He will please speak to me about the G.O. of 19-6-1924.

Intld.K.M.
11-12-34

Intld.C.A.W.12-12-34.

16) Revenue Commissioner may be suitably replied to

HS 66-34-2

1/

An extract from the above notes of the Law Secretariat may be sent to the Registrar of Co-operative Societies by ~~me~~ the Development Secretariat. He may be asked to discuss the point with me at an early date. The best thing seems to be to enforce the decision of the Registrar under the Civil Procedure Code instead of under the Land Revenue Code.

Intld. K.M.
24-1-35.

Extracts.
PBS
29/1/35

30 JAN. ...
DEVELOPMENT BRANCH

Subd with draft

hg
31/1

Issue
hcg
31/1/35

To. The Registrar of C.S.
No. D. 5141 of 8.2.35.
Request to discuss the subject with the
First Member of Council at an early dat

TYPING SECTION
8 FEB. 1935
REV. SECTT.
8 FEB. 1935
DEVELOPMENT BRANCH.

7/2/35.

Purchase of properties in Sale held in execution of Cooperative Decree 4189

General and Revenue Secretariat — C.S. File No. 66 289/R of 1934 — [App. F. III–2

Serial No. 8.

From the Registrar of Co. Societies
No. 7311 & 3.3.35.

States that he discussed the matter with the First Member of Council & that his orders may be obtained re

As the main file is being dealt with in the Revenue Branch, the may be transferred to that Branch for orders.

dcg 5/3/35

(Rev. Branch) 5/3/35.

Subject

In accordance with para 16 of these rules Rev: Comm^r was addressed suitably from Rev: Bor. The member's minute d 24.1.35 clearly requires all further action in reg to these Societies should be taken by the Dev: Secty. If it is decided that G.O.N. R 6424-34 d 19.6.34 should be modified, Rev: Bor is prepared to issue a draft prepared & approved in the Cooperative Deptt if the existing practice is to be continued with any modifications. If however the decision of the Reg^r C.S. has to be enforced under the Civil Procedure Code, the Rev: Branch cannot have anything to do with it perhaps

Ded 7/3

L.R. file 214-34 may be put up.

dcg 8/3/35

Subd.

L.R. file 214-34 is herewith linked

8/3

NOTE—Contn. Sheet.

13

8892

1154

File No. of 193 General and Revenue Secretariat

Submitted for orders with reference to the 1st Member's minute at para 16 of the linked file (Dep. Secy)

dcg 8/3/35

54.23 / 8/3

1st Member

MW 14.3.35

dcg

matter must be framed as present (Nominal Rolls to be framed annual) by (S/J)

OFFICE OF THE FIRST MEMBER OF COUNCIL 14 MAR 1935 No. 6618

MW 15.3.

Rev. Bor. W.C. for info and return

dcg

MD 18/3

KB 18/3

The file is returned as the connected papers of the Rev. Branch have been recorded. Further action is being taken to amend the LR Code.

LR 216-11.

AJ 21/4

Dep. Bor. (with explanation)

Serial No.

1) From the Revenue Commissioner, No.C.4413/33-3 dated 28th September 1934.

2) Recommends sanction to the proposal of the De Commissioner, Mysore District, that the rule regar the recovery of purchase money at revenue sales ma also relaxed in the case of Inamdars and others on their behalf at sales held under Section 97 of the Land Revenue Code for recovery of rent or land rev due from the tenants to the Inamdar provided that bid amount is not more than the arrears due.

Note & orders.

3) Section 179 of the Land Revenue Code a... to all cases of sales of immoveable property held the provisions of Chapter XI of the Code. It make obligatory on the part of the person declared to b purchaser to deposit immediately 25 per cent of th amount of his bid and to pay the balance of 75 per cent before sunset of the 15th day from that on wh the sale took place.

Law Secrett note.

4) This provision is mandatory and the policy underlying it is not only to safeguard the interes of Government revenue but also those of the default by preventing sales other than for cash. I do not think any exception to Section 179 can be created b means of executive orders.

5) A right to set off the purchase money against any amount due to the purchaser himself either by t defaulter or by Government is a right which has to

WD 01955—GPB—22,500—12-6-34

2-15

given by Statute, just as such right is given to a decree holder in a civil court under order 21 Rule 72 of the C.P.Code. It is only when there is such a right of set off that the amount due to the purchaser may be taken towards the deposit or the purchase money due from him. Kind reference is invited to rules 84 and 85 of order 21 of the C.P. Code in this connection.

6) In the case of a purchaser at a revenue sale, a right of set off as above described cannot be implied under the general law. For as a purchaser he fills a different character from that of the decree holder or the landlord as the case may be.

7) In this view, the legality of the G.O. of 19th June 1924 is open to much doubt.

(Intd) N.R.J.
7/12.

8) I agree with the Assistant Secretary. He will please speak to me about the G.O. of 19th June 1924.

(Intd) K.M.
11-12-

(Intd) S.A.W.
12-12-1934.

9) Revenue Commissioner may be suitably replied to.

(Intd) K.M.
24-1-

10) Letter No.C.4423 dated 12th March 1935 from the Revenue Commissioner stating that a procedure similar to those contained in C.P.C. is necessary in the case of revenue sales referred to above and that if such an

Serial No.

exemption cannot be given under the provisions of Land Revenue Code as they now stand, they may be suitably amended.

n) This may be noted as a point on which the Land Revenue Code may be amended. Are there any o such points.

(Intd) K
27-3.

Subd-

12) There are no other points on which amend of the LR Code have been ordered to be taken the Rev Comr in his letter d) 12.3.35 has also given reasons for amending the LR Code so as to p ~~of exceptions in the following cases~~ ~~due for transfer for exception~~ ~~the following~~ fund of 25 % of the bid amount in a revenue sale as required in the LR Code

1). Inamdars intending to bid in the revenue s of individual holdings in their villages arrears due to themselves.

(2) Cooperative Societies, when they bid s taken for arrears due to them

(3) ~~first~~ the An Officer bidding at a of animam village forfeited for arrears of with a view to buy it on behalf of Govt as Rule 99 (A). of the LR rules.

As regard (2) above, the ~~question~~ Th Secretar they ordered as follows after a discussion wit

X linked file

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

2 (1) 6200/P/34 v992

File No. of 193 General and Revenue Secretariat

the Reg^r of Co-op. Societies

" matter need not be pursued at present

(Govt. has objected to the procedure as illegal)

As regard (3) views have been separately placed directing that the bid amount of 25% of the Rs 2 should be made when an officer bids on behalf of Govt.

13) If in practice the Tahsildars do not deposit the 25% of the bid amount in sales held in their villages, the authority of Rs. 19-6-24 the sales may would perhaps be illegal. misuse Procedure as in Civil Court sale has perhaps to be adopted in the case of revenue sales also & the L.R. Code amended including the provisions like Rules 72, 84 & 85 of under Order XXI of C.P.C.

14) The law Section may perhaps be consulted

24/4. 15) Gen. Secy) 14) YES deg 24/4/35

If the 30/4

15) Law Sect^r) deg 1/5/35

16) The proposed Amendments to the L.R.C. are in accordance with the legal opinion noted in para 3 supra. Similar provisions of para 2 of rule 84 and proviso to rule 85 of O XXI C.P.C. have to be added as to sections 178 and 180 L.R.C. respectively

H.C.

H.C.

D

JUDICIAL BRANCH 24 APR

Law Dept 1/5/35

321

Dft. Bill to amend the Mysore Land Revenue Code

General and Revenue Secretariat. File No. of 193 . [App. F. III-2

17) A fresh section on the lines of rule 72 O. XXI may perhaps be added on after sec 172 LRC

159 8/5

18) I think it is necessary and desirable to amend the Land Rev Code as suggested by the Rev Comr in his letter of 12th March 193.. The draft bill may be prepared and sent up for further examination.

19) Rev Sec) 8/5

20) Subd for orders

Rd 8/5

21) Draft Bill may be prepared and put up

9/5/35

21) A draft Bill is prepared and put up for ~~orders~~ further examination.

MS Rd 10/5

22) Law Secy) 11/5/35

~~The draft appears to be~~

23) I think the draft suggested will satisfy the purpose for which it is proposed—

24) Rev Secy) 11/5

Rd 13/5 25) Gen. Secy) 26) 13/5/35

May I kindly be appr

27) I Secy

Secy 24-5-35 Rd 25/5

DEPT. No. 6911

OFFICE OF THE 21 MAY 1935 6471

A revised draft bill is put up as directed. MS 11/5

NOTE—Contn. Sheet.

(5 6

For Disposal by Circulation. **No. C. 321**

9 1934-5

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

Draft bill to amend the Mysore Land Revenue Code, 1888.

Circulated to the Members of Council.

By Order,

27th May 1935. *Cheif Secretary to Government.*

8580 / 29/5 **First Member of Council.** 29/5

7520 - 2715 - **Second Member of Council.** 28/5

For favour of final Note.

8639 / 29/5

First Member.

J. M. Sigrediy Member. 28/5

31/5

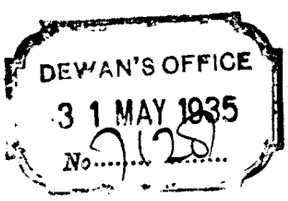
3211 20 7

General and Revenue Secretariat | File No. | of 193 . | [App. F. III—2

Serial No.

Subject:-

Draft Bill to amend the Mysore Land Revenue Code.1888



S. N. put up.

31.5

DEWAN)

31-5-35

NOTE—Contn. Sheet.

WD 01955—GPB—22,500—12-6-34

321
24

General and Revenue
Secretariat

SUBJECT:- Bill to amend Mysore Land Revenue Code of 1888.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Head-quarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness' orders before/after* issue of orders. (*Vide Rules* 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

M. Abraham
Chief Secretary to Government. 6.6.35

Through the Secretary to Government,

General Department.

2659
6/10

FIRST MEMBER OF COUNCIL. 6/6/10

2150
7/10

SECOND MEMBER OF COUNCIL.

8/10

Rev.

NOTE.—Contn. sheet.

This may now be sent to the Protection Board for necessary further action.

Yes
12/6/35

22

Submitted to His Highness.

I submit herewith a Final Note by the First *Member of Council* re: Bill to amend the Mysore Land Revenue Code of 1888,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

31-5-35

Final Note by the First Member of Council. 23

Subject:—

Bill to amend the Mysore Land Revenue Code of 1888.

These papers relate to a proposal to further amend the Mysore Land Revenue Code.

Under Section 179 of the code it is obligatory on the pa of the person declared to be the purchaser at revenue sales to posit immediately 25 per cent of the bid amount, and Section 180 requires him to pay the balance of 75 per cent before sunset of the fourteenth day from that on which the sale took place. In s cases the purchasers are the persons on account of whose dues t sales are held. For example, the sale may be on account of arr due to a Co-operative Society or to an inamdar from his tenant. the purchaser happens to be the Co-operative Society or the ina dar, he has to pay to the sale conducting officer the purchase - money. At present no option is allowed to set off the purchase money against any amount due to the purchaser himself from such sale proceeds. This is likely to work as a hardship in cases o the kind referred to above. It is therefore proposed to amend Land Revenue Code by the addition of the following section on t lines of the rules contained in the Civil Procedure Code in the matter of allowing a concession of set off when the decree hold purchases the property in a Civil Court sale.

> "Section 180A. Notwithstanding anything contained in the la two sections where the sales of immoveable property held for recovery of moneys due to Government or to other pers such moneys being recoverable under this Regulation or an other law as arrears of land revenue, the purchaser if he happens to be the person entitled to the payment of the money so recovered, may be allowed, subject to such conditi and restrictions as may be imposed in this behalf by the Deputy Commissioner to set off the purchase money due by him against the money payable to him and for the recovery of which the sale is being held".

Page 526

The Dewan and the Second Member of Council agree to the proposal. I solicit the gracious sanction of His Highness to bill to amend the Mysore Land Revenue Code as proposed above h

placed before the Representative Assembly and the Legislative Council in due course.

Bangalore,
31st May 1935.

MEMBER OF COUNCIL.

25

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill to amend the Mysore Land Revenue Code of 1888.

C Sec.
MJ
3-6.
KG 66

Order.

~~KRW~~
31/6/35

Dft. Bill to amend the Mysore Land Revenue Code - UD

General and Revenue Secretariat

File No. 29924 of 1936 [App. F. 112

Serial No.	
4	It is submitted for orders if the Bill is to be placed before the ensuing Sessions of the Representative Assembly. If it is to be so directed, the file requires to be sent to the R. A section today together with a copy of statement containing the general principles of the Bill. A statement of general principles is put up for scrutiny by the Law Secretariat and submitted for orders.

Vide. V. (G.O. No. P. 362-70 Legis 1-30-1)

(Sd/ Law Secty) dtd 7/6/35

(Sd/ Law Secty) dtd 7/6/35 - 7/6/35

4. This may be done

(Sd/ Law Secty) dtd 7.6.35

7/6/35

If approved, the file will now be sent to the Law Secretariat for kindly taking further action in the matter

(Sd/ Law Secty) dtd 7/6/35

OFFICE OF THE HINDU MUIL 7 JUNE 1935 No. 8818

Typing Secn. (W.C.) Kindly typing 4 copies of the dft bill and the statement of general principles of the bill, today. 7/6 Typed copies are put up

NOTE—Contn. Sheet.

D158 813/35

Draft Bill to amend the Mysore Land Revenue Code

File No. 292/R of 193 — General and Revenue Secretariat

Ten days notice has to be given to R.A. Members & there is hardly time to get it translated, printed & issued so as to be in time for this Session. A supplementary agenda also has already been issued. If approved this will be kept over for the next Session [the 1st Member said it was not very urgent]

(1st Member) Ce 7/6/35

7/6

OFFICE OF THE FIRST MEMBER OF COUNCIL 7 JUNE 1935 No. 8858

7/6

Subject This will be reserved for the next Session of the RA

Sd/ 8/6 Yes dcg 8/6/35

It is submitted for orders if the file may now be sent to the Law Secretariat for kindly taking necessary further action as per clause (e) of G.O.No. P 362-70/Legis 1-30-1 dated the 16th July 1930

MS Sd/ 5/8 (Law Secy) dcg 5/8/35

The statement may be sent to D.A Office

legis JNL LIC

Done 7/8

3/8

6 10/8

3 Copies taken. File returned

18/VII 12/8 (Private Secretary)

Amendment of Land Rev 817

General and Revenue Secretariat. File No. 6 of 1936 [App. F.

Printed copies of Comm. are placed in file
The file will be sent
Rec'd Dom
Dom
26/9

Dear Dr
W-C

The Bill was discussed in R.A on 8.10.35 & was delayed
Orders are awaited as to whether the Bill may be published under Rule 8 of the Rules of Business of G.C. or being introduced in Legis Ass

The Bill will be published under Rule 8.

(Dr Kennedy) 14/10

17/10

(Dewan) 17/10

22/10/35

22-10-35

Published

NOTE—Contn. Sheet.

Please type copies of Bill & statement of O & R

29

A Bill further to amend the L.R. Code, 1888

File No. D15/1/ of 193 — General and Revenue Secretariat

Ex. nos typed copies of Bill & Statement of Objects & Reasons sent up by the Draftsman are herewith sent up. Slightly revised.

These will be sent to L.C. Office for publication after approval.

Done 25/10.

25/10

(L.C. Office)

Rec'd 29.10.35

Three copies of the Bill have been taken and the file retd to Prot. Br. a.c)

L.C. Dis.

30.10.35

Printed copies of Bill are placed in file for perusal and the following motions are suggested for being included in the Agenda for the next meeting of the Legislative Council:

(1) To move that the Bill published under Rule 8 of the Rules of business be read in Council.

(2) Motion that the Rules of business be suspended and the Bill be taken into consideration at once without referring it to a Select Committee.

Bill further to amend
The Mysore Land Revenue Code

30/11/35

General and Revenue Secretariat | File No. 6 | of 193 6 | [App. F. III—2

Serial No.

(3) Robins That the Bill be passed
Carried. The First Member of Council
Seconded: The Chief Secy to Govt-

Hon
11/11

Chief Secy)
For Members

6
11/11/35

Hon
12-11-35

12,

Hon
12/11

Hon
13-11-35

6
13/11

L.C. Office
(on Hon'ble Member's note)
Noted and pstd to the Prot: Bk: with compln)

16.11.35

L.C. Sec

Hon 2nd & 3rd Robins for consideration
the Bill & passing it were withdrawn
& the Bill was referred to a Select
Committee.

The file will be sent to L.C. Office
for putting up the Proceedings
containing to the Bill & also note the
personnel of the S.C

Hon

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

Hon
20/12.

6
12/12

A copy of the discussion on the Bill in the
last L.C. meeting is placed in the file
Cabinet 1/36 Secy to Govt

OFFICE OF THE FIRST MEMBER OF COUNCIL
12 NOV. 1935
No. 3176

01 15-4-36 813

File No. 6 of 1936. General and Revenue Secretariat

Sec
date of the meeting.
Sec
6/1/35
Refer postponement of Meeting
4 Feb
Sec. 4/2-2-36
Sec
Record. for orders
Sec
14/2
It is a small Bill. Adopt in
the last week of March might fixed
1st Member)
Sec
14/2/36
Thursday 12th March has
been approved by the Member
Sec
15/2
15/2
Draft notice sent.
Sec
18/2
Sec
The date has been changed
to 15th April. May
a little
possibly later
Sec
24/2/36
Sent. with a draft
C. in initiating absence the
meeting due 15/4
Sec
26/3

OFFICE OF THE
HIGH COMMISSIONER
15 FEB. 1936
S'POR

TYPING SECTION
26 MAR. 1936
GENL

645 b 35
P

Land Revenue Code Amendment Bill

37

General and Revenue Secretariat | File No. pages 6 of 1936. | [App. F. III—2

Serial No.

The Select Committee met on the 15th instant. A draft report is submitted for approval. The clause as amended is put in alternative forms one of them maybe approved

(Member) 17/4/36

7597/1914.

Amendment B is approved as well as the draft report

20/4

20/4

TYPING SECTION. 21 APR. 1936 CIVIL & REV. SECTT.

Send copies of draft report to the members

20/4

Drafts issued

Issued P 6997-7032 on 23/4/36.

The draft report has been returned approved by the 4 members who were present at the meeting. Members to [illegible]

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

33 6626 6456

File No. 8 of 1936. General and Revenue Secretariat

Bhashyam Iyengar & K. B. Gundappa were absent.

Result for orders in the Report may be published with a footnote that Messrs K. T. Bhashyam Iyengar & K. B. Gundappa were not present at the meeting.

Sec 26/4.

Approved. Report published.

Copy

We may wait till 18

Copy

Result for orders.

Sec 5/5

The draft report has been approved by Messrs K. T. Bhashyam Iyengar & K. B. Gundappa were not present at the meeting. The report may be published.

1st Member)

Copy 5/5/36

Published

Bill to amend L. R. Code.

General and Revenue Secretariat | File No. | of 1936. | [App. F. III—2]

Serial No.

2 L.C copies with 3 copies of the Report & the Bill as amended for publication.

See 11/5 3 copies of the Report together with the Bill taken and the file put to Prot^n. B^s. with Amdts)

11/5/36

The part of the select committee has been published & copies thereof sent to members

The following motions will be moved at the morning sitting of the L.C

(a) moving that the Bill the Report of the Select Committee be taken into consideration

(b) to move that the Bill as amended be passed

Submitted for orders

See 4/6/36

Chief Secretary
for Premier

4/6

GENERAL SECRETARIAT
5 JUNE 1936

OFFICE OF THE PRIME MINISTER
PRIME MINISTER (& COLONIAL SECRETARY)
6 JUNE 1936

WD 01536—GPB—7,500—5-4-34

2 L.C Office

6/6

D.S.no 6/36-37 Land Revenue Bill 6/36/835

File No. 8 of 1936. General and Revenue Secretariat

Same hours of H. H. has been accorded on 14th July 1936 Lewis letter

Subs. with a draft Gaz for publishing the Regs

29/7

29/7

Gazetted as of 31/7 awaiting publication of Rent Tr. of 36. Proofs

Printed copies received & sent for Records

A.
7.9.36

TYPING SECTION
30 JUL. 1936
LEGL. & REV. SECTT.

A Bill further to amend the Mysore Land Revenue Code, 1888.

******

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888, It is hereby enacted as follows:-

Addition of a new section 180 A.

After section 180 of the said Regulation the following section shall be added as section 180 A:

"Notwithstanding anything contained in sections 179 and 180 where the sales of immovable property held are for recovery of moneys due to Government or to other persons, such moneys being recoverable under this Regulation or any other law as arrears of land revenue, the purchaser, if he happens to be the person entitled to the payment of the money so recovered, may be allowed, subject to such conditions and restrictions as may be imposed in this behalf by the Deputy Commissioner, to set off the purchase money due by him against the money payable to him and for the recovery of which the sale is being held"

STATEMENT OF OBJECTS AND REASONS.

Section 179 of the Mysore Land Revenue Code makes it obligatory on the part of the person declared to be the purchaser at revenue sales to deposit immediately twenty-five per cent of the bid amount, while under section 180 of the said Code, he is required to pay the balance of seventy-five per cent before sunset of the fifteenth day from that on which the sale took place. At present, no option is allowed under the General Law to set off the

purchase money against any amount du
the purchaser himself from such sale
proceeds.

The Revenue Commissioner report
this is likely to work as a handicap
case of Inamdars intending to bid in
Revenue Sales of individual holdings
their villages for arrears due to th
selves and suggests an amendment of
law on the subject. His note
prepared on the lines of the Rules e
ed in the Civil Procedure Code in th
matter of allowing a concession of s
hen the decree holder purchases th
perty in a Civil Court Sale.

6

THE MYSORE REPRESENTATIVE ASSEMBLY.

DASARA SESSION—OCTOBER 1935.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I. Statement of General Principles of the Bill further to amend the Mysore Land Revenue Code, 1888.

Under Section 179 of the Mysore Land Revenue Code, 1888, it is obligatory on the part of the person declared to be the purchaser at revenue sales to deposit immediately twenty-five per cent of the bid amount, and under Section 180 of the said Code, he is required to pay the balance before sunset of the fifteenth day from that on which the sale took place. In some cases the purchasers are the persons for whose benefit the sales are held. For example, the sale may be on account of arrears due to a Co-operative Society or to an Inamdar from his tenant. At present, no option is allowed by the Code to set off the purchase money against any amount due to the purchaser himself from such sale proceeds. This is likely to work as a hardship. It is, therefore, proposed to amend the Land Revenue Code by the addition of a new Section 180-A on the lines of the rules contained in the Civil Procedure Code in the matter of allowing a concession of set off when the decree-holder purchases the property in a Civil Court sale.

II. Statement of General Principles of the Bill further to amend the Mysore Police Regulation V of 1908.

Under Section 56 (*a*) of the Mysore Police Regulation, 1908, whoever drives along or keeps standing in any street a vehicle of any description at any time between half an hour after sunset and one hour before sunrise, without a sufficient light is liable to be punished. Dragging or pushing a vehicle without a light does not come under the scope of this section as it cannot be termed driving. It has been brought to the notice of Government that carts without lights pushed by hawkers or coolies are commonly found in the busy roads of the cities thereby causing serious nuisance. The bill is intended to amend the Regulation so as to make the act of pushing or dragging a vehicle without lights half an hour after sunset and one hour before sunrise, an offence under the Regulation.

III. Statement of General Principles of the Bill to amend the Mysore Religious and Charitable Institutions Regulation VII of 1927.

Under Section 38 (2) of the Mysore Religious and Charitable Institutions Regulation VII of 1927, an appeal lies to the Government against every order passed by the Muzrai Commissioner, whereas under Section 210 (2) of the Mysore Land Revenue Code, 1888, appeals lie to the Government from an appellate decision or order passed by the Revenue Commissioner, only in cases involving points of law. This section in the said Regulation, VII of 1927, is found to lead to a number of petty appeals on facts to the Government, which in their opinion is not desirable. It is therefore proposed to amend it suitably in conformity with the provisions of Section 210 (2) of the Mysore Land Revenue Code. Such an amendment will not cause any real inconvenience to parties concerned as the Government have powers of revision under Section 39 of the Regulation, VII of 1927.

IV. Statement of General Principles relating to the amendment of the Food Adulteration Regulation.

The question of amending the Mysore Prevention of Adulteration Regulation so as to provide for the addition of a section prohibiting the colouring, mixing, and staining of food stuffs by deleterious matter has been under the consideration of Government for sometime past. Provision for this exists in Bombay Act V of 1925 and the Director of Health has recommended the addition of a similar clause to the Mysore Regulation. It is proposed to introduce a similar provision into our Regulation.

V. Statement of General Principles of the Bill pertaining to law regarding Partnership in Mysore.

The law relating to partnership is contained in Chapter XI of the Indian Contract Act, 1872, as in force in Mysore. The inadequacy of the provisions contained therein has been recognised for a long time as many important matters relating to partnership were left un-noticed in Chapter XI. In addition to these omissions, the development of trade and business has shown further matters on which legislation is required. In the absence of clear and definite rules on these points, the Indian Courts have held that Chapter XI of the Indian Contract Act is not exhaustive and have relied on analogies drawn from the English Law. To remove these defects, a separate Act providing for a satisfactory codification of the law relating to partnership was passed in British India in 1932.

The Indian Partnership Act of 1932 as well as the Indian Sale of Goods Act of 1930 (which has been recently adopted in Mysore) were drafted by a Special Committee of leading lawyers presided over by Sir B. C. Mitter. In their report on the Sale of Goods Bill, they observed .—

> 'When Sir James Stephen moved the Indian Contract Bill, he admitted that it was not and could not pretend to be a complete code upon the branch of law to which it related. He, however, expressed a hope that in later years it would be easy to enact supplementary chapters relating to several branches of the law of contract which the bill did not touch. In our opinion, in view of the complexity of modern conditions, the time has now come when this process should be accelerated by embodying the different branches of law relating to contract in separate selfcontained enactments."

The Sale of Goods Bill was the first of the series foreshadowed by the Special Committee and the Partnership Bill was the second.

The Indian Partnership Act is based upon the corresponding English Act of 1890 with deviations on some points in order to adapt the law to Indian conditions or to supplement it in places where it is incomplete or are supported by the views of authoritative commentators.

The law in Mysore, has however, remained the same as it was in 1872, in spite of the fact that the development of trade and business in Mysore, as in British India, has shown further matters on which legislation is required. It has therefore become necessary, in order to keep the law of partnership abreast of the developments of modern business relations, to remove the defects by enacting a separate measure on the lines of the Indian Partnership Act, 1932.

The Bill repeals and supersedes Chapter XI of the Contract Act. It makes considerable changes in definition and arrangement, gives effect to the mercantile view of a firm's continuity and adds provisions for voluntary registration of firms.

Chapter I deals with preliminary matters and definitions.

Chapter II deals with the nature of partnership. This law of partnership is made applicable only to the relationship created by contract and not to that which arises from status; in particular, members of a Hindu undivided family carrying on a family business as such are excluded from the application of this law.

Chapter III deals with the relations of partners to one another. The Indian Contract Act, 1872, as in force in Mysore, dealt with some of them in Sections

252, 253, 256, 257, 258 and 259. The present Bill deals with these relations in fuller details.

Chapter IV deals with the relation of partners to third parties. This chapter is mostly taken up with the statement and development of the principle that each partner is the agent of the firm.

Chapter V collects together and sets out in a convenient form all rules relating to the coming in of a new partner and all rules relating to the going out of a partner in so far as these rules do not relate to the dissolution of the firm or to the consequences of dissolution.

Chapter VI deals with the dissolution of a firm and lays down that the dissolution of a firm means the dissolution of the partnership relation between all the partners of a firm, as distinguished from the severance of the connection of one partner with the firm through retirement, expulsion or insolvency dealt with in the last chapter.

Chapter VII deals with the Registration of firms and lays down the procedure for the registration of partners and firms. It is not the intention to apply Chapter VII regarding registration of firms and its incidents to the whole of the State or any part of it, except by a special notification by the Government when conditions for its extension in any part of the State are considered suitable.

Chapter VIII, the last chapter, contains supplemental provisions regarding mode of giving notice, repeals and savings.

C. SUBRAHMANYA AIYAR,

Secretary, Mysore Representative Assembly.

W D 506—GPB—400—25-9-35

Bill to amend the Land Revenue Code.

Opinions in the Representative Assembly.

1. Mr. C.N.Narasinga Rao:

Right to set off to co-operative societies and i should not be given until they established their clai a civil court.

Mr. Nadig Subba Rao:

was against giving the concession to co-operativ ties without safeguards to protect ~~deletions~~ debtors; otherwi societies might get the property for a small sum to t triment of the ~~deletion~~ debtors.

Mr.Puttaswamy:

suggested that a provision may be made for the de to have the sale cancelled within 30 days without pay compensation as in the C.P.C.

Messrs: Seetharamaiya and Gopalaswamy Iyengar sup the bill.

Mr. Madiah Gowda:

The same safeguards provided in the C.P.C. in fav judgment debtors will have to be provided.

Opinions in the Legislative Council.

2. Madiah Gowda:

There are no safeguards similar to those in C.P.C C.S.Order XXI 64,66,72.

Mr.K.T.Bashyam Iyengar

opposed on the ground that the claims were not es blished in a court of law.

Mr.D.H.Chendrasekariah:

Opposed on the ground that safeguards such as tho C.P.C. are absent, e.g fixing the minimum bid, permis bid etc.

Bill further to amend the Mysore Land Revenue Code, 1888. 42

Addition of a new Section 180 A.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888: It is hereby enacted as follows;

After Section 180 of the said Regulation, the following section shall be added as Section 180 A:

"Notwithstanding anything contained in Sections 179 and 180 where sales of immoveable property held are for recovery of moneys due to Government or to other persons, such moneys being recoverable under this Regulation or any other law as arrears of land revenue, the purchaser, if he happens to be the person entitled to the payment of the money so recovered may be allowed, subject to such conditions and restrictions as may be imposed in this behalf by the Deputy Commissioner, to set off the purchase money due by him against the money payable to him and for the recovery of which the sale is being held."

Mr. B. N. BORANNA GOWDA.— Why not the books be taken back from the schools and given over to village panchayets? They must have been given to the schools only on a loan basis.

Mr. S. P. RAJAGOPALACHARI.— No, they were given away outright.

GOVERNMENT BUSINESS—BILLS.

I. Statement of General Principles of the Bill further to amend the Mysore Land Revenue Code, 1888.

The CHIEF SECRETARY to GOVERNMENT (Mr. K. V. Anantaraman) explained the general principles of the Bill as follows :—

"Under Section 179 of the Mysore Land Revenue Code, 1888, it is obligatory on the part of the person declared to be the purchaser at revenue sales to deposit immediately twenty-five per cent of the bid amount, and under Section 180 of the said Code, he is required to pay the balance before sunset of the fifteenth day from that on which the sale took place. In some cases the purchasers are the persons for whose benefit the sales are held. For example, the sale may be on account of arrears due to a Co-operative Society or to an Inamdar from his tenant. At present, no option is allowed by the Code to set off the purchase money against any amount due to the purchaser himself from such sale proceeds. This is likely to work as a hardship. It is, therefore, proposed to amend the Land Revenue Code by the addition of a new Section 180A on the lines of the rules contained in the Civil Procedure Code in the matter of allowing a concession of set off when the decree-holder purchases the property in a civil court sale."

Mr. C. N. NARASINGA RAO represented that whereas under the Civil Procedure Code, the set-off was being given only after the claims were legally ascertained and declared, the bill proposed to give the set-off in respect of arrears due to co-operative societies or inamdars. In cases of the latter type, the interests of the judgment and the tenant would be adversely affected. He therefore objected to giving a set-off to societies and inamdars unless and until they established their claims in a civil court.

Mr. K. V. ANANTARAMAN corrected the member by stating that the set-off was proposed to be allowed only in respect of ascertained claims—whether in the case of co-operative or revenue suits.

Mr. MALUR SUBBA RAO thought that the bill would cause greater hardship than at present. He was against the grant of concession of set-off to co-operative societies as they could

easily afford to purchase the auction property by actually paying the full amount of the sale and then getting a refund in respect of their dues. Otherwise, he was afraid that in the case of valuable properties, the society might manage to bring them to sale and create special opportunities for some influential director or member to purchase them for just the decreed amount. Sometimes the society might get a property sold for a song in favour of its own favourites thus creating a handicap to the judgment-debtor from fully discharging the decretal amount, even though it was a valuable property. He therefore considered that unless some special safeguards were created in favour of the debtors, they would be put to very severe hardships.

Mr. B. S. PUTTASWAMY explained that if auctions were held in execution of civil court decrees, the debtor had the option of getting the sale cancelled within 30 days without paying any compensation if the decree-holder himself happened to be the purchaser. He suggested that a similar provision should be made in respect of sales held in revenue and co-operative suits also.

Mr. K. V. ANANTARAMAN pointed out that there would be no objection to add a provision in the Land Revenue Code in that behalf.

Mr. P. SEETHARAMIAH explained that under the existing law, there was no provision for payment of a solatium or compensation to the auction-purchaser if he happened to be the decree-holder. So neither the judgment-debtor nor the judgment-creditor would be benefited unduly. So far as the creditor societies were concerned, the set-off was being allowed in practice even though there was no specific provision for it in the rules. The amendment now brought up was merely meant to regularise the present procedure. He therefore supported the amending bill under reference.

Mr. M. A. GOPALASWAMI IYENGAR pointed out that it would be very cumbersome for the auction-purchaser, if he happened to be the decree-holder, to pay the full amount of the bid and then get a refund in satisfaction of the decreed amount. The present amendment aimed at simplifying the procedure without causing any real inconvenience to anybody. He therefore thought that it would not be right to say that the amendment would enable the bidder to knock off valuable properties of the judgment-debtor for very low bids. When large sums of money belonging to co-operative societies were already outstanding with the debtors, it would not be fair to ask the creditor-societies again to make fresh payments before realising their outstandings from the members in default. He therefore supported the bill.

Mr. W. H. HANUMANTHAPPA felt that the disadvantages of the proposed amendment would be many more than the advantages. He also observed that in the case of inamdars, it was necessary to insist that auction sales should be held only after their claims as against their tenants were legally ascertained and decreed by courts of law.

The FIRST MEMBER (Rajamantra-pravina Diwan Bahadur K. Matthan) assured the House that that would be so.

Mr. K. CHENGALARAYA REDDY said that it was not clear from the statement of general principles at what stage the set-off was proposed to be given—whether at the time of the initial deposit of 25 per cent of the bid amount or at the time of the payment of the balance. It was also not clear whether the compensation of 5 per cent would be insisted upon even if the decree-holder himself happened to be auction purchaser. He next said that when the tendency now was to give more and more facilities, conveniences and help to agriculturists and when large questions like Debt Conciliation, etc., were still under consideration, he did not know how far it would be in the fitness of things to bring the measure under consideration.

Mr. T. MADIAH GOWDA said that the Civil Procedure Code provided certain safeguards in favour of the judgment-debtor in civil court auctions. In the first place, notice of auction should be given to him before the auction was held in execution of the decree and he should be asked to show cause why the auction should not be held. Secondly, he could represent his difficulties and ask for time being given to repay the amount. And lastly, he would be given an opportunity of repaying the decretal amount and redeeming his property. Whether it was sought to deprive him of these safeguards because it was the Registrar's Court that passed the decree in co-operative suits or the judgment-debtor would enjoy all these privileges had not been made clear. He for one would not welcome any departure from the procedure now prescribed in respect of civil process.

Mr. K. MATTHAN replied that it was not proposed to make any departure from the procedure laid down in the Civil Procedure Code in respect of set-off.

Mr. MALUR SUBBA RAO thought that it would be better if the minimum bid was fixed by the court in advance of the auction, below which neither the co-operative society nor the inamdar concerned should be permitted to bid in the auction.

At this stage many members said that there need be no further discussion on the measure as it was non-controversial.

The general principles were thereupon put to vote and passed.

BILLS.

1. Statement of General Principles the Bill further to Amend e Mysore Land Revenue Code, 1888.

The CHIEF SECRETARY to GOVERNMENT (Mr. K. V. Anantaraman) explained the general principles of the bill as follows :—

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Mr. K. V. ANANTARAMAN corrected the member by stating that the set-off was proposed to be allowed only in respect of ascertained claims—Whether in the case of co-operative or revenue suits.

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valuable properties, the society might manage to bring them to sale and create special opportunities for some influential director or member to purchase them for just the decreed amount. Sometimes the society might get a property sold for a song in favour of its own favourites thus creating a handicap to the judgment-debtor from fully discharging the decretal amount, even though it was a valuable property. He therefore considered that unless some special safeguards were created in favour of the debtors, they would be put to very severe hardships.

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claims against their tenants were legally ascertained and decreed by courts of law.

The FIRST MEMBER (Rajamantra-pravina Diwan Bahadur K. Matthan) assured the House that that would be so.

Mr. K. CHENGALARAYA REDDY said that it was not clear from the statement of general principles at what stage the set-off was proposed to be given—whether at the time of the initial deposit of 25 per cent of the bid amount or at the time of the payment of the balance. It was also not clear whether the compensation of 5 per cent would be insisted upon even if the decree-holder himself happened to be auction-purchaser. He next said that when the tendency now was to give more and more facilities, conveniences and help to agriculturists and when large questions like Debt Conciliation, etc., were still under consideration, he did not know how far it would be in the fitness of things to bring forward the measure under consideration.

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Mr. Malur SUBBA RAO thought that it would be better if the minimum bid was fixed by the court in advance of the auction, below which neither the co-operative society nor the inamdar concerned should be permitted to bid in the auction.

At this stage many members said that there need be no further discussion on the measure as it was non-controversial.

The general principles were thereupon put to vote and passed.

III. Bill further to amend the Mysore Land Revenue Code, 1888.

(a) *Motion that the Bill published under rule 8 of the rules of business be read in Council.*

The FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari).—Sir, I beg to move that the Bill further to amend the Mysore Land Revenue Code, 1888, published under rule 8 of the rules of business be read in Council. This is a very simple measure. The statement of objects and reasons explains what is wanted. At present, under Section 179 of the Mysore Land Revenue Code, a purchaser at a revenue sale has to deposit 25 per cent of the bid amount at the time of the sale, while under Section 180, he is required to pay the balance of 75 per cent before the sunset of the 15th day following. At present there is no option under the general law to set off the purchase money against any amount that may be due to the auction purchaser himself. This has caused inconvenience to the parties in certain cases, and the statement gives a particular instance—this is of course not the main instance but it is only one kind of cases—of inamdars, who want to purchase individual holdings of their tenants for arrears of revenue. There are certain claims due to them and if they themselves purchase there is no provision to set off what is due to them from what they have to pay to the revenue court. The object of this amendment is to provide for such a set off. A similar provision exists in the Civil Procedure Code and the object of this amendment is merely to bring the Land Revenue Code into general conformity with the law of the land. I do not suppose this is a very controversial measure and I hope the House will accept the motion.

The CHIEF SECRETARY TO GOVERNMENT (Mr. A. V. Ramanathan).—Sir, I beg to second the motion.

*Mr. **T. MADIAH GOWDA.**—The Mysore Land Revenue Code was drafted long back and since then, very many amendments have been made from time to time. Still, it looks as though it is not a complete Code, having all provisions concerning the entire land revenue policy, as it ought to be. Adding up a provision here and a provision there to help a defaulting purchaser now or to give him solatium at another time will not satisfy the present day needs of the people who have vested interests in the lands. As such, it is necessary to constitute an expert committee to amend, overhaul and redraft the entire Land Revenue Code having in view the definite land revenue policy of Government, the present day requirements of the landholders and also adopting the wholesome modifications made by our neighbouring provinces to their land revenue law.

The piecemeal legislation as we are doing now and then is apt to be viewed with prejudice. The present bill is one which gives room for such a view.

The bill is intended to create facility to a purchaser of an immoveable property without its concomitant provisions as in the Civil Procedure Code. The Civil Procedure Code, in allowing the purchaser decree-holder to set off the purchase money against the amount due on the decree has imposed other restrictions on the decree-holder. They are, for instance : (*i*) he has to apply to the court for permission to bid for or purchase the property ; (*ii*) Under Order XXI, Rule 64, Civil Procedure Code, the Court is vested with the discretion to allow only that portion of the property as may seem necessary to satisfy the decree to be sold ; (*iii*) Under Rule 66 of the same Order, a verified statement containing the full particulars regarding the value of the property, the encumbrances to which it is liable, the assessment due, the maintenance charges, if any, etc., are called for from the decree-holder, and necessary evidence is also taken to ascertain the matter to be specified in the proclamation. Even regarding the processes of the court, rules are sufficiently stringent and they are properly scrutinised. Without any such safeguards to the defaulter, in the Land Revenue Code, just to introduce this one clause, now, in this bill with a view to help a few purchasers looks strange. It is stated in the statement of objects and reasons appended to the bill that the want of this provision is likely to work as a hardship in the case of inamdars. But I want to know what hardships have been felt till now by them or what hardships have come to the notice of the revenue authorities so far, except that some of the inamdars attempted to defraud the raiyats and failed often for want of a provision of the sort that is now contemplated in this bill.

With these observations I oppose the motion.

*Mr. K. T. BHASHYAM AIYANGAR.— I am afraid I have got to oppose the motion. I wish to put forward this aspect. You want to make a law in respect of this particular subject of Land Revenue Code on the same lines as in the Civil Procedure Code. But are you not ignoring thereby the fact that the money due to the purchaser and holder is fixed without a trial by court and without hearing both parties and taking evidence, if necessary ? Now in the instance that you are referring to here, the inamdar himself is the judge. He fixes the amount due to him and says so much money is due to him because he is given the powers of the Deputy Commissioner. Who fixes what exactly is the amount due ? Where is the trial at which it is fixed ? The analogy will not hold good. I therefore think that this is a dangerous provision. Anyway, it is a matter which requires much more serious consideration than to be immediately accepted at this stage.

I am afraid, as it is no case has been made out for the introduction of this measure, and I oppose it.

Mr. D. H. CHANDRASEKHARAIYA.—Sir, I am of opinion that this provision should not be applied to the case of inam villages. In un-surveyed villages the dues to the inamdar are never fixed as they vary according to circumstances. Hence the application of a provision like the one under discussion will create some difficulties. The next point I would like to urge is that in all civil court sales, the decree-holders are bound to take the permission of the court to bid at the sales and also to file affidavits for certain purposes. No decree-holder will be allowed to purchase property below a certain amount. Further, if there is any other decree-holder against the same party, the sale amount will have to be deposited in court for rateable distribution. Unless similar safeguards are also adopted in the case of revenue sales, it would not be right to introduce a provision pertaining to civil court sales. As no such safeguards and checks are provided in the proposed amendment, I oppose it. I feel there is no necessity for this particular amendment just now.

***Mr. A. R. NAGESVARA AIYAR.**—The amendment merely prescribes the procedure to be followed. It does not confer any substantial rights on the inamdar or the Government. What is proposed is this: if the inamdar has got to get Rs. 100 from a raiyat and the land is brought to sale, as the law now stands, he has got to deposit 25 per cent of the bid amount immediately and the balance of 75 per cent within 15 days, and then take back his dues from the treasury. What the amendment says is this: he need not pay it in the first instance and take it back again. He may set it off against the purchase value. It is difficult to see how a tenant or a raiyat is in any way prejudiced by the procedure that is now prescribed. It does not confer any substantial rights at all on the inamdar. Therefore there does not seem to be any objection to this amendment.

Mr. PRESIDENT.—The question is:

"That the Bill further to amend the Mysore Land Revenue Code, 1888, be read in Council."

The motion was adopted.

(b) *Motion that the rules of business and standing orders be suspended and the bill be taken into consideration at once without reference to a select committee.*

Mr. S. P. RAJAGOPALACHARI.—Sir, I beg to move that the rules of business and standing orders be suspended and the bill be taken into consideration at once without reference to a select committee.

Mr. A. V. RAMANATHAN.—Sir, I beg to second the motion.

***Mr. H. C. DASAPPA.**—Sir, I am afraid I cannot support the motion for the suspension of the rules of business. It

is a matter, no doubt, of procedure, but it will be seen that there is no indication here as to the exact procedure to be followed to safeguard public interests when giving this privilege to the inamdar or whoever it is that purchases the lands at the sales. The question of proper notice to the party that is going to be affected, the valuation of the property beforehand, the permission to bid, these are all matters which are essential. It would be unconscionable for any inamdar to knock away a large slice of land for a paltry sum. Even Government will see to the unreasonableness of this situation. He can only purchase that much of land which is enough to cover his dues. It is therefore a matter which I think ought to go to the select committee and I would oppose this motion.

*Mr. K. T. BHASHYAM AIYANGAR.—I beg to oppose the motion on the principle that no such motion should be made unless there is very grave urgency for such suspension. I would request the Government to tell us what is the nature of that urgency for suspension of the ordinary rules of business. You will remember that when much more urgent measures like Bills to impose excise duties on Sugar and Matches were introduced, you sought for suspension of the ordinary rules of business, but on our request, you referred them to select committee though you knew, and we were also aware that those bills were of a very urgent nature. What is here that is so very urgent? Which is the inamdar who is going to give up his breath merely because this is not passed? It is not so easy as to say that two and two is four. There are two sides to the question. Some of us think that it is more dangerous than it looks on this piece of paper. Why not give us a chance to find out what it is? We will discuss it from all points of view and if it is worth our while, we will pass it. I would respectfully urge that this motion be not pressed but a select committee be constituted.

Khan Bahadur MAHOMED ABBAS KHAN.—I think this is a simple measure which does not require consideration at the hands of a select committee. A measure of this kind is only in respect of a book adjustment. Instead of depositing the money and then withdrawing it, the bill contemplates that the amount due to the party may be deducted out of the sale proceeds. There is no reason to make this a complicated affair.

Mr. S. P. RAJAGOPALACHARI.—Suspension of business was proposed simply because it was considered to be a simple measure. As a matter of fact, it does seem very simple if you carefully analyse it. What does the section say? It says:

"Notwithstanding anything contained in Sections 179 and 180 where sales of immoveable property held are for recovery of moneys due to Government or to other persons, such money being recoverable under this Regulation or any other law as arrears of land revenue, the purchaser, if he happens to be the person

entitled to the payment of money so recovered may be allowed.....to set off the purchase money due by him....."

It must be a definitely ascertained amount. It is not some right to any sum. It is a sum to which he is entitled and declared by a competent authority—a court or a revenue authority—as entitled to the refund of such an amount. It is only in such cases that he is entitled to the payment of the money so recovered. Also the person entitled to the payment of the money so recovered will be given this facility subject to.—

"..... such conditions and restrictions as may be imposed in this behalf by the Deputy Commissioner to set off the purchase money due by him against the money payable to him and for the recovery of which the sale is being held."

That being so, there will not be much of difficulty in understanding and interpreting what this amendment means. I know the word "inamdars" has caused some part of the trouble. As I said at the beginning, it is merely an illustration of the class of cases. My colleague, who till very recently was the Revenue Commissioner, just told me that certain Government Departments which were entitled to certain sums from private parties felt the need for such a provision like this and therefore I think the House can very safely agree to the suspension of the rules of business and allow this simple measure to go through.

***Mr. K. T. BHASHYAM AIYANGAR.**—I should like to see that a convention is established that where there is no urgency and when we request for the constitution of a select committee, it must be appointed.

Mr. PRESIDENT.—I do not know how far you represent the House. Let me ascertain the sense of the House.

The decision of the House was in favour of referring the matter to a select committee

Mr. S. P. RAJAGOPALACHARI.—We are agreeable to refer the matter to a select committee. I withdraw the former motion and I propose that the bill be referred to a select committee consisting of the following gentlemen :—

1. Mr. K. V. Anantaraman.
2. Mr. A. V. Ramanathan.
3. Mr. M. Venkatesa Iyengar.
4. Mr. K. T. Bhashyam Aiyangar.
5. *Khan Bahadur* Mahomed Abbas Khan.
6. Mr. H. B. Gundappa and the Mover (as Chairman).

Mr. A. V. RAMANATHAN.—Sir, I beg to second the motion.

Mr. PRESIDENT.—The question is :—

"That the Bill further to amend the Mysore Land Revenue Code be referred to a select committee consisting of the gentlemen named by the Mover."

The motion was adopted.

At this stage, (5-15 *p.m.,*) *the Council adjourned to meet again at* 12 *of the clock the following day.*

NOTIFICATION.

No. Rl. 244—*L. C.* 1-35-3, *Bangalore, dated* 30*th October* 1935.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary, Mysore Legislative Council.

Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888; It is hereby enacted as follows; Addition of a new Section 180 A.

After Section 180 of the said Regulation, the following section shall be added as Section 180 A:

"Notwithstanding anything contained in Sections 179 and 180 where sales of immoveable property held are for recovery of moneys due to Government or to other persons, such moneys being recoverable under this Regulation or any other law as arrears of land revenue, the purchaser, if he happens to be the person entitled to the payment of the money so recovered may be allowed, subject to such conditions and restrictions as may be imposed in this behalf by the Deputy Commissioner, to set off the purchase money due by him against the money payable to him and for the recovery of which the sale is being held."

STATEMENT OF OBJECTS AND REASONS.

Section 179 of the Mysore Land Revenue Code makes it obligatory on the part of the person declared to be the purchaser at revenue sales to deposit immediately twenty-five per cent of the bid amount, while under Section 180 of the said Code, he is required to pay the balance of seventy-five per cent before sunset of the fifteenth day

S-S-

from that on which the sale took place. At present, no option is allowed under the general law to set off the purchase money against any amount due to the purchaser himself from such sale proceeds.

The Revenue Commissioner reports that this is likely to work as a handicap in the case of Inamdars intending to bid in revenue sales of individual holdings in their villages for arrears due to themselves and suggests an amendment of the law on the subject. This Bill is therefore prepared on the lines of the rules contained in the Civil Procedure Code in the matter of allowing a concession of set off when the decree-holder purchases the property in a civil court sale.

Printed by the Superintendent at the Government Press, Bangalore.

Appendix F G—1]

SUBJECT..... 56

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 27.3.36

Signed by Hon C.S.J.

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P6430—5/Sec(Prop)

To

1) K.V. Ananta[illegible]

2) A.V. Ramanathan B.

3) M. Venkatesa Iyer

4) K.T. Bashyam Esq [illegible]
Dewan Bahadur B.A.

5) Khan Bahadur [illegible]
Mahomed Yakub

6) Hon. B. Govindaraja
Esq B.A.,

Members of the E.

A meeting of this C
Committee a fortnight
to consider the Pr
further to amend
Land Revenue Co
will be held in th
Chambers of the P
Members of Coun
Public offices Re

Bangalore at 3 P.M. on

Wednesday the 15th April

1931

A copy of the proceedings

of the R.A.F. Trade Test Board

is also sent herewith to

R.O.

Secy. I.C.

Copy to P.R. to Joint Director

" I.C. Officer

" B.B.

Sg

Government of His Highness the Maharaja of Mysore.

General and Revenue Secretariat,

Cubbon, Bangalore, the 26th March 1936.

Official Memorandum.

A meeting of the Select Committee appointed to consider the Bill further to amend the Land Revenue Code will be held in the Chamber of the First Member of Council, Public Office Buildings, Bangalore at 3 P.M. on Wednesday the 15th April 1936.

A copy of the proceedings of the Representative Assembly and Legislative Council regarding the bill is also sent herewith.

By order,

Sd. C.Subrahmanya Aiyer
Secretary,
Legislative Council.

M.V.Anantaramen, Esq., B.A.,
Revenue Commissioner in Mysore, Bangalore.
A.V.Ramanathan, Esq., B.A.,
Chief Secretary to the Government of Mysore, Bangalore.
M.Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government of Mysore, Bangalore
K.T.Bhashyam Iyengar, Esq., B.A., B.L.,
Member, Legislative Council, Bangalore.
Khan Bahadur Mohomed Abbas Khan, Esq.,
Member, Legislative Council, Bangalore.
H.B.Gundappa, Esq., B.A., B.A., B.L.,
Member, Legislative Council.

No 3

5/9

NOTIFICATION.

No. Rl. 244—*L. C.* 1-35-3, *Bangalore, dated 30th October* 1935.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,

C. SUBRAHMANYA AIYAR,

Secretary, Mysore Legislative Council.

Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888; It is hereby enacted as follows; Addition of a new Section 180 A.

After Section 180 of the said Regulation, the following section shall be added as Section 180 A:

"Notwithstanding anything contained in Sections 179 and 180 where sales of immoveable property held are for recovery of moneys due to Government or to other persons, such moneys being recoverable under this Regulation or any other law as arrears of land revenue, ~~the purchaser, if he happens to be~~ the person entitled to the payment of the money so recovered may ~~be allowed,~~ with the permission of the Deputy Commissioner, ~~to be allowed to~~ subject to such conditions and restrictions as may be imposed in this behalf by the Deputy Commissioner, and to set off the purchase money due by him against the money ~~payable to him and~~ for the recovery of which the sale is being held."

apply to the Deputy Commissioner for permission to bid at the sale and the Deputy Commissioner may grant such permission subject to such conditions as to the terms of such sale as may be prescribed by rules made in that behalf

STATEMENT OF OBJECTS AND REASONS.

Section 179 of the Mysore Land Revenue Code makes it obligatory on the part of the person declared to be the purchaser at revenue sales to deposit immediately twenty-five per cent of the bid amount, while under Section 180 of the said Code, he is required to pay the balance of seventy-five per cent before sunset of the fifteenth day

from that on which the sale took place. At present, no option is allowed under the general law to set off the purchase money against any amount due to the purchaser himself from such sale proceeds.

The Revenue Commissioner reports that this is likely to work as a handicap in the case of Inamdars intending to bid in revenue sales of individual boldings in their villages for arrears due to themselves and suggests an amendment of the law on the subject. This Bill is therefore prepared on the lines of the rules contained in the Civil Procedure Code in the matter of allowing a concession of set off when the decree-holder purchases the property in a civil court sale.

Printed by the Superintendent at the Government Press, Bangalore.

Report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888.

We, the undersigned members of the Select Committee to which the Bill further to amend the Mysore Land Revenue Code, 1888, was referred, have considered the Bill and have th honour to submit this our Report, with the Bill as amended by us, annexed hereto.

We are of opinion that certain safeguards are necessary for allowing this concession of set off to a party entitled to the payment of money for the recovery of which a sale is held. As has been provided in the Civil Procedure Code, he should be required to take the permission of the Deputy Commissioner for purchasing the property and for a price fixed at the discretion of the Deputy Commissioner. We have, therefore, amended the clause providing for previous permission of the Deputy Commissioner being taken and for imposition of conditions while granting such permission. The clause as amended by us is as follows:--

8 After Section 180 of the said Regulation, the following Section shall be added as Section 180(A):-

"The party entitled to the payment of money for the recovery of which a sale of immoveable property is held may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject such rules as may be prescribed by the Gove

For approval one of the alternative draft clauses may be moved

Government in this behalf. Where a party purchases with such permission, the purchase mon due by him and the amount for the recovery of which the sale is held may, notwithstanding anything contained in Sections 179 and 180, be set off against one another."

OR

"Notwithstanding anything contained in Sections 179 and 180, the party entitled to the payment of the money for the recovery of which a sale of immoveable property is held may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Government in this behalf, and where a party purchases with such permission, the purchase money due by him and the amount for the recovery of which the sale is held may be set off against one another.".

Appendix F G—1]

SUBJECT.....

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Section

File No.

Serial No.

No. P 6997-7002/Sec. 1

Diary No. of letter replied to.....

To

1) K. V. Ramakrishnam
B. A

2) A. V. Ramanadh

3) M. Venkatarama Iyer
Esq

4) K. T. Bhashyam
Iyengar
B. A

5) Khan Bahadur
Maharaj Kishen

6) H. B. Gundu
Esq B. A

General and Revenue Secretariat

( )

the *193* .

Date of issue 23-4-36

Signed by Mr. C. S. J.

Dear Sir,

I am directed to forward herewith the draft of the proposed select committee report on the Bills specified in

List of enclosures.....

Copied by .....

Examined by.....

64

the L. R. Code and to request that it may kindly be returned with your approval before the 30th instant

Yours truly,

Secy to the Commissioner

Secy

GENERAL AND REVENUE SECRETARIAT,

D. O. No. P6997-7002/Sec/1 Dated, Bangalore 22nd April 1936.
23rd

Dear Sir,

I am directed to forward herewith the draft of the report of the Select Committee appointed to consider the Bill further to amend the Land Revenue Code and to request that it may kindly be returned with your approval before the 30th instant.

Yours sincerely,

To

The Members of the Select Committee.

bb 6628 735

GENERAL AND REVENUE SECRETARIAT,

D. O. No. P6997-7002/Sec1 Dated, Bangalore 22nd April 1936.

3330

Dear Sir,

I am desired to forward herewith the draft of the report of the Select Committee appointed to consider the Bill further to amend the Land Revenue Code and to request that it may kindly be returned with your approval before the 30th instant.

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE. No. 24 APR. 1936 BANGALORE.

Yours sincerely,

K.V.Anantaraman, Esq., B.A.,
Revenue Commissioner in Mysore.

Approved.
Returned with Compliments
K. Anantaraman
Revenue
25.4.1936

67 6587/35

G. O. No. P6997-7002/Sec1 GENERAL AND REVENUE SECRETARIAT.

Dated, Bangalore 22nd 23rd April 1936.

Dear Sir,

I am desired to forward herewith the draft of the report of the Select Committee appointed to consider the Bill further to amend the Land Revenue Code and to request that it may kindly be returned with your approval before the 30th instant

Yours sincerely,

Khan Bahadur

Mahomed Abbas Khan, Esq.,

Member, Select Committee.

Dear Sir,

I am returning herewith the draft report on the above duly approved

25/4/36

GENERAL AND REVENUE SECRETARIAT,

D. O. No. P 6997-7002/Rev I Dated, Bangalore 22nd April 1936.

Dear Sir,

23 APR. 1936

I am desired to forward herewith the draft of the report of the Select Committee appointed to consider the Bill further to amend the Land Revenue Code and to request that it may kindly be returned with your approval before the 30th instant.

Yours sincerely,

M.Venkatesa Iyengar, Esq., M.A.,
General Secretary to Government.

Agree
M. Venkatesaiyengar
Member Select Committee
23/4/36

6567-35

GENERAL AND REVENUE SECRETARIAT,

D. O. No. P699)-7002/Rec/ Dated, Bangalore 22nd April 1936.

Dear Sir,

I am desired to forward herewith the draft of the report of the Select Committee appointed to consider the Bill further to amend the Land Revenue Code and to request that it may kindly be returned with your approval before the 30th instant.

Yours sincerely,

A.V.Ramanathan, Esq., B.A.,

Chief Secretary to Government.

Signed & returned
25-4-36

Report of the Slect Committee on the Bill further to amend the Mysore Land Revenue Code, 1888. 70

...

We, the undersigned members of the ~~Sixxxxxx~~ Select Committee to which the Bill further to amend the Mysore Land Revenue Code, 1888, was referred, have considered the Bill and have the honour to submit this our Report, with the Bill as amended by us, annexed hereto.

We are of opinion that certain safeguards are necessary in allowing this concession of set off to a party entitled to the payment of money for the recovery of which a sale is held. As has been provided in the Civil Procedure Code, he should be required to take the permission of the Deputy Commissioner for purchasing the property and to purchase for a price fixed at the discretion of the Deputy Commissioner. We have, therefore amended the clause providing for previous permission of the Deputy Commissioner being taken and for imposition of conditions while granting such permission. The clause as amended by us is as follows:

" Notwithstanding anything contained in Sections 179 and 180, the party entitled to the payment of the money for the recovery of which a sale of immovable property is held may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Government in this behalf, and where a party purchases with such permission, the purchase money due by him and the amount for the recovery of which the sale is held may be set off against one another."

23-4-26

~~Action to be taken with regard to the~~

23-4-26

NOTIFICATION.

No. 3896--L.C., Bangalore, dated 14th May 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to further amend the Mysore Land Revenue Code, 1888 is published for general information.

By Order,

C. SUBRAHMANYA AIYAR.

Secretary,

Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888.

We, the undersigned members of the Select Committee to which the Bill further to amend the Mysore Land Revenue Code, 1888, was referred, have considered the Bill and have the honour to submit this our Report, with the Bill as amended by us, annexed hereto.

We are of opinion that certain safeguards are necessary for allowing this concession of set off to a party entitled to the payment of money for the recovery of which a sale is held. As has been provided in the Civil Procedure Code, he should be required to take the permission of the Deputy Commissioner for purchasing the property and to purchase for a price fixed at the discretion of the Deputy Commissioner. We have, therefore, amended the clause providing for previous permission of the Deputy Commissioner being taken and for imposition of conditions while granting such permission. The clause as amended by us is as follows:—

"Notwithstanding anything contained in Sections 179 and 180, the party entitled to the payment of the money for the recovery of which a sale of immoveable property is held may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Government in this behalf, and where a party purchases with such permission, the purchase money due by him

72

nd the amount for the recovery of which the sale is held ay be set off against one another."

(Sd.) S. R. RAJAGOPALACHARI (*Chairman*).
K. V. ANANTARAMAI
A. V. RAMANATHAN
M. VENKATESA IYENGAR
* MAHOMED ABBAS KHAN.

Bill as amended by the Select Committee.

[Addition is indicated in italics and omission is enclosed in square brackets.]

Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888; It is hereby enacted as follows;

After Section 180 of the said Regulation, the following section shall be added as Section 180 A:

["Notwithstanding anything contained in Sections 179 and 180 where sales of immoveable property held are for recovery of moneys due to Government or to other persons, such moneys being recoverable under this Regulation or any other law as arrears of land revenue, the purchaser, if he happens to be the person entitled to the payment of the money so recovered may be allowed, subject to such conditions and restrictions as may be imposed in this behalf by the Deputy Commissioner, to set off the purchase money due by him against the money payable to him and for the recovery of which the sale is being held."]

"*Notwithstanding anything contained in Sections 179 and 180, the party entitled to the payment of the money for the recovery of which a sale of immoveable property is held may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Government in this behalf, and where a party purchases with such permission, the purchase money due by him and the amount for the recovery of which the sale is held may be set off against one another.*"

* Messrs. K. T. Bhashyam Iyengar and H. B. Gundappa were not present at the meeting of the Committee.

Printed by the Superintendent at the Government Press, Bangalore.

OFFICE OF THE REVENUE COMMISSIONER,
IN MYSORE,

No. C. 4413/33-34
Encl: one

Dated, Bangalore, 27th September 193

29 SEP 1934 977

FROM

N. Madhava Rao. Esq.,B.A.,B.L.,
Revenue Commissioner in Mysore.

R.R. 214-34

To

S.Abdul Majid.Esq., B.A.,
General Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore

Exempting the Inamdars from depositing in cash the bid amo
in respect of sales held under Section 97, Land Revenue Code, of
in their Inam villages, for the recovery of arrears.

SIR,

I have the honour to forward herewith a copy of letter 485/33-34 dated 18th April 1934, from the Deputy Commissioner, Mys District on the above subject and to state that the Deputy Commis of the remaining districts consulted in the matter are agreeable the proposal of the Mysore Deputy Commissioner, being sanctioned subjec the limitations specified in the latter's letter. I therefore recommend that sanction of Government may kindly be obtained to proposal.

I have the honour to be,

Sir,

Your most obedient servant,

Assistant Commissioner,
For Revenue Commissioner,
Absent from the station.

H.K.S.

--ppendix F G—1]

3 Copy 3

SUBJECT .....

.....

.....

Section L.R.

File No. 214-34

Serial No. 2

Diary No. of letter replied to ....

No. R. 3685-

To

The Rev. Comr

General and Revenue Secretariat

( )

the *193*

Sir

Date of issue 28-1-1934.

Signed by W. D. C. Sulebanayahiya

With reference to your N°C 4413/33-34 of 25.9.34 I am that Inamdars be exempt from depositing in cash the b in respect of sales held u Sec^n 9-) of the L.R.C. of lands i inam Villages for the rec of arrears of land Rev, I a directed to ~~state~~ point out that Sec^n 9 of the said Code makes it obligatory on the purch declared ~~Bid~~ such Sales to deposit immedia of the amount of his bid & to pa balance of 75 p.c. before sunset on the 15

List of enclosures .....

Copied by .....

Examined by.....

WD 01956—GPB—22,500—12-6-34

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that on which the sale took place.

These provisions are mandatory and no exception could be create by means of executive order.

prohibiting sales under that section of the Code for any Consideration other than Cash.

A right to set off the purchase money against any amount due to the purcha himself either by the defaulter or by Govt is a right which has to be given by Statute & in the case of a purchaser at a revenue sale, a right of setoff as above described cannot be implied under the General law

Under these circumstances no exception to Sect 179 of the I.T. Code cannot be created by means of an executive order.

In these circumstances it is not possible to convey sanction to the proposal of the Dy Commr of Mysore & contained in your letter under reply

I have the

dec 27/1/35

for Sec'y

copy sent by Mail (S) 29/1/35

No. C.4413/33-34.

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE,

Dated Bangalore, 12th March *193*

FROM

N. MADHAVA RAU, ESQ., B.A., B.L.,
Revenue Commissioner in Mysore.

To

H.V. Ramaswami, Esq., M.A., B.L.,
Secretary to the Government
of His Highness the Maharaja of Mysore,
General ~~Development~~ *Department, Bangalore.*

Subject:-- Exempting Inamdars from paying the bid amoun in respect of sales of holdings in their villages.

SIR,

With reference to your letter No.R.3685/L.R. 214 2 dated the 28th January 1935 stating that the above exemption cannot be accorded by executive orders as the provisions of the Land Revenue Code are mandatory, I have the honour to state that decision would not only handicap Inamdars intending to bid in th revenue sales of individual holdings in their villages for arrea due to themselves but, by analogy would necessitate the Governme depositing the bid amount when they offer bids in the sales of I villages for arrears of revenue under Government Order No.R.7276 L.R. 569-28-1 dated 7th March 1929. It would also invalidate t Government Order No.R.6424-34/L.R. 325-23-2 dated 19th June 1924 exempting Co-operative Societies from making the initial deposit and paying the balance within the stipulated time when they bid sales for arrears due to the Societies.

2. In this connection, I may point out that under Civil Procedure Code ~~such~~ a concession similar to the one now pro posed is allowed when the decree holder purchases the property i Civil Court sale with the previous permission of the Court (Vide Rules 72, 84, and 85, under Order 21 of the Code). I am of opi that a similar procedure is very necessary in the case of the Re sales referred to above and to request that if such an exemption

P.T.O.

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cannot be given under the provisions of the Land Revenue Code, as they stand, they may be amended so as to permit of exceptions in the cases referred to.

I have the honour to be,

S i r,

Your most obedient servant,

Revenue Commissioner.

N.K.S.

BR.

G.S. 66-34-2

No. 7311 C.S.

GOVERNMENT OF MYSORE.

DEPARTMENT OF CO-OPERATION.

OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES IN MYSORE.

Telegraphic Address:
"CO-OPERT"
BANGALORE

Dated, Bangalore, 3 — 3 — 1935.

4189

From

GULAM MOHADIN MEHKRI, ESQ., B.A., LL.B.,
Registrar of Co-operative Societies in Mysore,
Bangalore.

To

The Secretary to Government,

Development Department, Bangalore.

Sir,

With reference to your No. D.5141/CS 66-34-2 dated 2nd February 1935 forwarding an extract from the notes of the Law Secretariat on the subject of the purchase of properties in sales held in execution of Co-operative decrees, I have the honour to state that as desired, I have discussed the question with the First Member of Council, and his orders on the file may be now obtained.

I have the honour to be,
Sir,
Your most obedient servant,

M. G. [illegible]
Registrar.

AKM)2/3

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated 2nd February *193*5

No. D 5141 Genl

From

The *Secretary to the Government of His Highness the Maharaja of Mysore, Development Department.*

To

The Registrar of Co-operative Societies in Mysore,

Bangalore.

Sir,

In forwarding herewith an extract from the notes of the Law Secretariat in Secretariat File No.L.R.214-34, on the subject of the purchase of properties in sales held in execution of co-operative decrees, I am directed to request you to be so good as to discuss the question with the First Member of Council at an early date.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Development Department.

M.M.R.2/2.2.35.

8. In all cases of sale of immoveable property the purchaser is required to deposit 25% of the bid amount according to section 179 L.R.C. In G.O. dated 19th June 1934, the rules re: recovery of sale amount are relaxed in the following cases - (i) Co-operative Society, where it is a purchaser (ii) an individual who has purchased the property which is subjected to resale. In these 2 cases the interest of Government is amply safeguarded. If the same concession is extended to the Inamdars as recommended by the Revenue Commissioner, in the case of sales under section 97 L.R.C. it will be very difficult to enforce their liability especially when they became the defaulters themselves.

9. Section 179 of the L.R. Code applies to all cases of sales of immoveable property held under the provisions of Chapter XI of the Code. It makes it obligatory on the part of the person declared to be the purchaser to deposit immediately 25% of the amount of his bid and to pay the balance of 75% before sunset of the 15th day from that on which the sale took place.

10. This provision is mandatory and the policy underlying it is not only to safeguard the interests of Government revenue but also those of the defaulters, by preventing sales other than for cash. I do not think any exception to section 179 can be created by means of executive orders.

11. A right to set off the purchase money against an amount due to the purchaser himself either by the defaulter or by Government is a right which has to be given by statute just as such right is given to a decree holder in a civil

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Civil court under order 21 rule 72 of the C.P. Code. It is only when there is such a right of set off that the amount due to the purchaser may be taken towards the deposit or the purchase money due from him. Kind reference is invited to rules 84 and 85 of order 21 of the C.P. Code in this connection.

12. In the case of a purchaser at a revenue sale, a right of set off as above described cannot be implied under the general law. For as a purchaser he fills a different character from that of the decree holder or the landlord as the case may be.

13. In this view, the legality of the G.O. of 19.6.1924 is open to much doubt. It is however submitted that by making necessary rules under the Co-operative Societies Regulation, the principle of the G.O. may be made applicable in the case of sales held in execution of C.S. decrees.

"Extract"

Seshanayamma

for Secretary to Government,
Development Department.

K.M.R.2/2.2.35.

Appendix F. G.–1]

SUBJECT.....

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Diary No. of letter replied to.....

General and Revenue Secretariat.

( )

the *193*

Date of issue 5. 2. 35

Signed by mm D-C

Typing Sects

* Please type separately paras 8 to 13 of the note.

List of enclosures.....

Copied by.....

Examined by.....

Section. Cs

File No. 66-34

Serial No. 2

No. D 5141

Secl

To

The Regr of Cs

Sir,

In forwarding herewith an extract from the note of the in Secretariat file no L.R. 2 on the subject of the purchase in sales held in executin of c decrees, I am directed to Jm to the no good ask de the question with the Co of Council at an early date

Thanc

DCS

31/1/35 Deo

mm

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

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Section. Legis
File No. S-36
Serial No. 1

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the.....*191*

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P849/Sec 1

Ordered that the accompanying Regulation further to amend the Mysore Land Revenue Code 188

which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936 be published as Regulation No. IV of 1936, in the *Mysore Gazette* for general information.

Date of issue 31.7.36

Signed by Sr. C.S.D

Secretary to Government.

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part ~~III~~ IV of the Gazette, in English and Kannada and for supply of .....spare copies in English, and .....spare copies in Kannada ~~to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore~~. Proofs should be sent to this office for approval before publication.

Copy to Translation

NOTIFICATION.

Order No. P. 849—Legis. 8-36-1, dated Bangalore, 31st July 1936.

Ordered that the accompanying Regulation further to amend the Mysore Land Revenue Code, 1888, which received the assent of His Highness the Maharaja, on the fourteenth day of July 1936, be published as Regulation No. IV of 1936, in the *Mysore Gazette* for general information.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

REGULATION IV OF 1936.

(Received the assent of His Highness the Maharaja on the fourteenth day of July 1936.)

Regulation further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888; It is hereby enacted as follows:—

After Section 180 of the said Regulation, the following section shall be added as Section 180 A.—

Addition of a new Section 180 A

"180A. Notwithstanding anything contained in Sections 179 and 180, the party entitled to the payment of the money for the recovery of which a sale of immovable property is held may apply to the Deputy Commissioner for permission to purchase such property which may be granted subject to such rules as may be prescribed by the Government in this behalf, and where a party purchases with such permission, the purchase money due by him and the amount for the recovery of which the sale is held may be set off against one another."

MIRZA M. ISMAIL,
Dewan.

Price: 0-0-3